

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:09-cr-106-Orl-22GJK

EUGENE JOSEPH ZAJAC

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT

Pursuant to Local Rule 6.01(c)(16), on November 10, 2020, I conducted the Final Probation Revocation Hearing of the Defendant on the Petition for Warrant or Summons for Offender Under Supervision filed October 6, 2020 by Probation Officer Natasha Creamer.

In the Petition, Probation Officer DeCarlos Sheppard alleges the Defendant was in violation of:

- Condition 3, Violation #1

Which states that the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

On August 14, 2020, the defendant was instructed by Probation Officer Natasha Creamer not to establish an email account. On August 16, 2020, the defendant opened up an email account, zajaceugene363@gmail.com, despite being told not to do so.

- Use of a computer or online services in violation of the Special Condition, Violation #3

From August 16, 2020, until August 24, 2020, the defendant had access to and used a LG Stylo 5 smartphone that was connected to an online internet service provider without the approval of his probation officer. The defendant admitted to purchasing this smartphone and accessing the internet since on or about August 16, 2020.

The Defendant admitted violating the Conditions as set forth in the above Petition for Warrant for Offender Under Supervision.

Accordingly, the undersigned finds that the Defendant has violated the terms of his Supervised Release and respectfully recommends that the Court enter an Order to Show Cause why his Supervised Release should not be revoked.

The Defendant is in custody of the U.S. Marshal pending sentencing.

A party waives the right to challenge on appeal a finding of fact or conclusion of law adopted by the district judge if the party fails to object to that finding or conclusion within fourteen days after issuance of the Report and Recommendation containing the finding or conclusion.

Recommended in Orlando, Florida on this 10th day of November 10, 2020.



GREGORY J. KELLY
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Marshal
United States Probation Office
United States Attorney
Federal Public Defender
District Judge